IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

MONDAY, THE 30TH OCTOBER 2006 / 8TH KARTHIKA 1928

Bail Appl..No. 5777 of 2006()

CRIME NO.180/2006 OF KOLATHUR POLICE STATION

PETITIONER/ACCUSED NO.2

SHAHUL HAMEED,
S/O.KOMUKUTTY, KURUVAKOTTIL HOUSE, KOTTAKKAL,
MALAPPURAM DIST.

BY ADV. SRI.PROMY KAPRAKKATT
SRI.K.N.ABHILASH

RESPONDENTS: COMPLAINANT

THE STATE OF KERALA,
REP.BY THE SUB INSPECTOR OF POLICE,
KOLATHUR POLICE STATION,
MALAPPURAM DIST.(THROUGH PUBLIC PROSECUTOR OF
KERALA HIGH COURT).

BY PUBLIC PROSECUTOR, SRI JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30/10/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

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B.A. No. 5777 of 2006

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Dated this the 30th day of October, 2006

O R D E R

The petitioner is the second accused in Crime No.180/2006 of Kolathur Police Station. The offence alleged against the accused, three in number, are under Section 489B read with Section 34 of the Indian Penal Code. The investigation is now being conducted by C.B.C.I.D., S.I.G III, 273/CR/S-III/2005, Kozhikode.

2. I have gone through the statements of the accused recorded after their arrest. Rs.1000/- was tendered to the shop owner, for the articles purchased by the first accused, for his own personal use. It was the shop owner, who found that the note was counterfeit currency. Therefore, at the instance of the shop owner, police came and arrested all the three accused. The investigation is in progress. The petitioner was arrested on 02/09/2006, on the date of occurrence itself. On the next day, the petitioner was produced before the court below. He is in judicial custody, thereafter.

3. The counsel for the petitioner submitted that the investigation in respect of the petitioner is complete and he is no

more required for further interrogation. However, from the possession of accused No.3, an amount of Rs.25,000/-, counterfeit currency notes, 25 in number, had been seized, for which a separate crime has been registered and investigation is in progress.

4. I cannot accept the arguments of the learned counsel for the petitioner that the second accused was an innocent person, who was travelling along with the other accused, unless the contrary is proved during the trial.

5. However, after considering the stage of the investigation and other aspects that are placed before me, I grant bail to the petitioner and release him from jail, imposing the following conditions:-

i. The petitioner shall execute a bond for Rs.25,000/-, with two solvent sureties each for the like sum, to the satisfaction of the Judicial Magistrate of the First Class, Perinthalmanna.

ii. The petitioner shall report before the Investigating Officer, once in a week, on every Friday, between 10 a.m and 10.30 a.m, for a period of three months, starting from 03/11/2006 and,

thereafter, on the first working day of every month, between the same timings, till the completion of the trial and final disposal of the sessions case.

iii. The petitioner shall not leave the State of Kerala, till the final disposal of the sessions case.

iv. The passport of the petitioner shall be surrendered on the first day of reporting itself and the same shall be held by the Investigating Officer, until otherwise ordered by the trial court.

v. The petitioner shall not interfere with the further investigation, tamper with the materials so far collected, attempt to influence or threaten the witnesses or cause any hindrance to the smooth conduct of the prosecution case.

(J.M.JAMES)
Judge

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